

### REMARKS

By this amendment, claims 1-2, 6, 12-13, 17, 20, 24, 33, 36, and 44 have been amended. Claim 43 has been canceled. New claims 57-62 have been added. Claims 1-9, 11-27, 30-42, 44-45, and 56-62 are pending in the application. The specification has been amended to correct typographical errors. No new matter has been added. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 43 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and has been canceled. Accordingly, this rejection is now moot.

Claims 1, 17-18, 24, 36, 39, and 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tokumitsu (US 5,238,856). This rejection is respectfully traversed.

Claims 1, 17, 24, and 36 recite a micro-lens array comprising, *inter alia*, "a first set of micro-lenses comprising a plurality of first micro-lenses ...; and a second set of micro-lenses comprising a plurality of second micro-lenses ..., wherein a number of said plurality of first micro-lenses is greater than a number of said plurality of second micro-lenses" (emphasis added). Tokumitsu does not disclose these limitations. To the contrary, Tokumitsu discloses in FIGs. 9, 10, and 12 only arrays with lenses that are even in number, requiring either two or four reflow processes. Tokumitsu FIGs. 9, 10, and 12 (reproduced below). Where, in FIG. 9, a set of one color has adjacent corners, Tokumitsu discloses that "there exists a problem in that the corners of the respective condenser lenses (e.g. the condenser lenses a) are connected to each other. Although this problem can be overcome by modifying the shape of the condenser lens (e.g. the

corner angles of the lens are rounded off), this method inevitably causes the unavailable regions to be formed.” Col. 5, ln. 14-19. There is no number of first plurality of micro lenses greater than a number of a second plurality of micro-lenses as recited in claims 1, 17, 24, and 36.

Tokumitsu FIGs. 9, 10, and 12

a	b	a	b	a
b	a	b	a	b
a	b	a	b	a
b	a	b	a	b
a	b	a	b	a
b	a	b	a	b

FIG. 9

a	b	a	b	a
c	d	c	d	c
a	b	a	b	a
d	c	d	c	d
a	b	a	b	a
c	d	c	d	c

FIG. 10

		→B
Ye	Cy	⋮
G	Mg	
Ye	Cy	
Mg	G	
		←B

FIG. 12

Since Tokumitsu does not disclose all the limitations of claims 1, 17, 24, and 36, claims 1, 17, 24, and 36 are not anticipated by Tokumitsu. Claim 18 depends from claim 17 and is patentable at least for the reasons mentioned above. Claims 39 and 42 depend from claim 36 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 1, 17-18, 24, 36, 39, and 42 be withdrawn.

Claims 1-3, 6-7, 11-18, 20-21, 24, 30-31, 33-39, 44-45, and 56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Foster (US 6,643,386). This rejection is respectfully traversed. Although the reference appears as a 35 U.S.C. § 102(b) rejection, Applicants believe it should be a 35 U.S.C. § 102(e) rejection, since the filing date of this application is prior to the issuance of Foster, and Applicants will treat it accordingly.

Claims 1, 6, 12, 17, 24, and 36 recite, *inter alia*, “a first set of micro-lenses comprising a plurality of first micro-lenses ...; and a second set of micro-lenses

comprising a plurality of second micro-lenses ..., wherein said first and second sets of micro-lenses are regularly distributed throughout said micro-lens array in accordance with a predetermined color pattern for image capture." (emphasis added). Claim 6 further recites "a third set of micro-lenses comprising a plurality of third micro-lenses," which is also regularly distributed throughout the micro-lens array in accordance with a predetermined color pattern for image capture. Foster does not disclose these limitations.

To the contrary, Foster discloses a system of creating a watermark over part of an image by selectively distorting part of the microlens array. "A color filter pattern is altered or deviated so as to differ from the normal color pattern." Col. 3, ln. 64-66 (emphasis added). Foster discloses "alter[ing] the pattern of the microlenses 38 by changing the color of selected ones of the microlenses." Col. 5, ln. 50-53 (emphasis added). Foster further discloses "alter[ing] the pattern of the microlenses 38 by changing the shape of selected ones of the microlenses." Col. 6, ln. 3-4 (emphasis added). Applicant respectfully submits that Foster does not disclose first and second sets of micro-lenses regularly distributed throughout said micro-lens array in accordance with a predetermined color pattern for image capture as recited in claims 1, 12, 17, 24, and 36, or first, second and third sets of micro-lenses regularly distributed throughout said micro-lens array in accordance with a predetermined color pattern for image capture as recited in claim 6. Foster discloses only distorting an image, not capturing the image. Since Foster does not disclose all the limitations of claims 1, 6, 12, 17, 24, and 36, claims 1, 6, 12, 17, 24, and 36 are not anticipated by Foster.

Claims 2-3 depend from claim 1 and are patentable at least for the reasons mentioned above. Claims 7 and 11 depend from claim 6 and are patentable at least for the reasons mentioned above. Claims 13-16 depend from claim 12 and are patentable at

least for the reasons mentioned above. Claims 18 and 20-21 depend from claim 17 and are patentable at least for the reasons mentioned above. Claims 30-31, 33-35 and 56 depend from claim 24 and are patentable at least for the reasons mentioned above. Claims 44-45 depend from claim 36 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 1-3, 6-7, 11-18, 20-21, 24, 30-31, 33-39, 44-45, and 56 be withdrawn.

Claims 4-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tokumitsu in view of Li (US 2002/0176037). This rejection is respectfully traversed. Claims 4-5 depend from claim 1 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 4-5 be withdrawn.

Claims 8-9, 22-23, 25-27, and 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tokumitsu in view of Li. This rejection is respectfully traversed. Claims 8-9 depend from claim 6 and are patentable at least for the reasons mentioned above. Claims 22-23 depend from claim 17 and are patentable at least for the reasons mentioned above. Claims 25-27 depend from claim 24 and are patentable at least for the reasons mentioned above. Claims 40-42 depend from claim 36 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 8-9, 22-23, 25-27, and 40-42 be withdrawn.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Hiroki (JP 2000-260968). This rejection is respectfully traversed. Claim 19 depends from claim 17 and is patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 19 be withdrawn.

Claims 17-27 and 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hokari (US 5,493,143) in view of Tokumitsu. This rejection is respectfully traversed. In order to establish a *prima facie* case of obviousness “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. §2142. Neither Hokari nor Tokumitsu, even when considered in combination, teach or suggest all limitations of independent claims 17 or 24.

Claims 17 and 24 recite a micro-lens array comprising, *inter alia*, “a first set of micro-lenses comprising a plurality of first micro-lenses ...; and a second set of micro-lenses comprising a plurality of second micro-lenses ..., wherein at least one of said second micro-lenses abuts without overlapping at least one of said first micro-lenses, wherein said plurality of first micro-lenses is greater than said plurality of second micro-lenses” (emphasis added). Hokari does not teach or suggest this limitation. To the contrary, Hokari teaches in FIG. 9 a large amount of space between lenses. Hokari FIG. 9 (reproduced below). The first plurality of micro-lenses does not “abut without overlapping” as recited in claims 17 and 24.

Tokumitsu teaches against a plurality of first micro-lenses greater than said plurality of second micro-lenses. Where, in FIG. 9, a set of one color has adjacent corners, Tokumitsu discloses that “there exists a problem in that the corners of the respective condenser lenses (e.g. the condenser lenses a) are connected to each other. Although this problem can be overcome by modifying the shape of the condenser lens (e.g. the corner angles of the lens are rounded off), this method inevitably causes the unavailable regions to be formed.” Col. 5, ln. 14-19. There is no first plurality of micro-lenses greater than a second plurality of micro-lenses as recited in claims 1 and 24. Thus, Tokumitsu does not remedy the deficiency of Hokari.

Furthermore, Tokumitsu fails to teach or suggest how to modify Hokari to obtain the claimed invention. There is therefore no *prima facie* case of obviousness. Obviousness is based on factual findings. "Whether a patent claim is obvious under section 103 depends upon the answer to several factual questions and how the factual answers meld into the legal conclusion of obviousness *vel non*." *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351 (Fed. Cir. 2001). The four underlying factual inquiries are: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of non-obviousness. *Graham v. John Deere Co.*, 393 U.S. 1, 17-18 (1966).

Applicants respectfully submit that there is no motivation to combine the cited references to obtain the invention of claims 17 and 24. Motivation or suggestion to combine or modify prior art references "must be clear and particular, and it must be supported by actual evidence." *Teleflex, Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1334 (Fed. Cir. 2002). Because the "genius of invention is often a combination of known elements which in hindsight seems preordained," the Federal Circuit requires a "rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *McGinley*, 262, F.3d at 1351. Yet there is no teaching or suggestion within any of the references that provide a motivation to combine them.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). Thus, a showing of an obvious combination requires more than just an amalgam of references, each of which provides one feature of the claimed invention.

The Office Action has done no more than cite a pair of references, each of which allegedly provides only part of the claimed invention, and allege that their combination renders the invention obvious. However, without the benefit of hindsight, there would have been no motivation to combine these references and the Office Action has failed to provide proof of any such motivation. This is one more reason why claims 17 and 24 are allowable over the cited combination.

Since Hokari and Tokumitsu do not teach or suggest all of the limitations of claims 17 and 24, claims 17 and 24 are not obvious over the cited references. Claims 18-23 depend from claim 17 and are patentable at least for the reasons mentioned above. Claims 25-27 and 30-33 depend from claim 24 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 17-27 and 30-33 be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Dated: February 10, 2006

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants

Application No. 10/681,308  
Amendment dated  
Reply to Office Action of November 10, 2005

Docket No.: M4065.0965/P965